

FREQUENTLY ASKED QUESTIONS ABOUT THE 90-DAY FINDING ON THE PETITIONS TO DELIST PREBLE'S MEADOW JUMPING MOUSE

What is a 90-day petition finding?

When the Service receives a petition to list, delist, or reclassify a species, the first step is to complete a finding on the petition. To the maximum extent practicable, this finding is to be made within 90 days of our receiving the petition and published in the Federal Register. The purpose of the 90-day finding is to determine whether the petition contains substantial information indicating the petitioned action may be warranted.

Who petitioned the Service to delist Preble's?

Representative Barbara Cubin first petitioned the Service to delist the Preble's in Colorado and Wyoming on July 27, 1999. The Service received two other petitions to delist the Preble's, one from Mr. Robert B. Hoff during 1999 and one from the Wyoming Farm Bureau Federation during 2000.

Why was the 90-day finding delayed?

At first, the delay in responding to these petitions were caused by budget and workload constraints. Further delay ensued because the Service assisted counties in developing HCPs, responded to lawsuits, prepared a draft recovery plan and prepared the court-ordered critical habitat designation.

Why do the petitioners think Preble's should be delisted?

Representative Cubin's petition claimed that the information available to the Service did not justify a listing. The petition also asked the Service to set aside the Preble's listing to allow time to gather more information. However, the petition did not provide any additional information for the Service to consider.

Besides Representative Cubin's petition, there are two other petitions, which the Service is treating as second petitions and has also addressed in this finding.

One petition was submitted by the Wyoming Farm Bureau. Like the petition submitted by Representative Cubin, it provided little information. The delisting request was included within a set of comments provided in response to a draft Environmental Assessment written by the Service on a proposed 4(d) rule. The reason for the delisting request was given as the inability to identify the mouse.

The other petitioner, Robert B. Hoff, used information that was already considered in the Service's 1998 listing rule as evidence that the Preble's is more widespread in range and more abundant than previously believed, and still exists in areas where it was believed to have disappeared. Mr. Hoff also argued that there was and remains insufficient information to support listing. He did not provide substantial new information to support his petition..

What guides a Service petition review?

The Service must evaluate a petition to determine if it provides substantial information to indicate whether the petition action is warranted. The Service considers the reliability and adequacy of the information contained in the petition, the supporting documentation, and information otherwise available in Service files.

What was the Service's finding?

In the case of the Preble's, the Service determined that the petitioners did not provide substantial information to indicate that delisting of the Preble's may be warranted, nor is there substantial information in the Service files to support the requested delisting action.

What happens now that the Service has determined this petition was not substantial?

This 90-day finding ends the petition process.

How will the Service treat new information?

The Service is aware that a genetic study of the Preble's is underway and could provide information pertinent to this subspecies' listing. However, no information on the results of this study was available to the Service for use in this petition finding. The Service will continue to evaluate information on the status of the Preble's as it becomes available, and will initiate the 5-year review of the species' status required by the ESA in the near future.

When will the Service complete the recovery plan for the Preble's meadow jumping mouse?

A draft recovery plan should be made available for public review and comment in early 2004.

How does the Service decide whether a species has been recovered and should be delisted?

Under the Endangered Species Act, the process the Service uses to delist a species is similar to the one it uses to list a species. The Service assesses the population and its recovery achievements, as well as the existing threats. It also seeks advice from species' experts in and outside of the Service. To assess the existing threats, the Service must determine that the species is no longer threatened or endangered based on one or more of the five factors outlined in section 4(a)(1) of the Act:

- A) the present or threatened destruction, modification or curtailment of its habitat or range;
- B) overutilization for commercial, recreational, scientific, or educational purposes;
- C) disease or predation;
- D) the inadequacy of existing regulatory mechanisms; or
- E) other natural or manmade factors affecting its continued existence.

Where can I get a copy of the Service's 90-day finding on the petitions to delist Preble's?

In Colorado, information is available for public review, by appointment, during normal business hours at 755 Parfet St., Lakewood, Colorado 80215. For more information call (303) 275-2370. In Wyoming, visit 4000 Airport Parkway, Cheyenne, WY 82001. For more information call (307) 772-2374. It will also be posted on the Service's website: <http://mountain-prairie.fws.gov/preble>.